

From: ANNE ROBINSON
To: DCJS01.DCJSPO1.LAND-TOM
Date: 04/10/97 2:14pm
Subject: halon import

Tom: I have an import of a fire suppression system for Boeing. It comes equipped with three containers of halon 1301 (60, 92 and 105 lbs). These are being imported from Israel. Any problem with the import? The bottles are simply hooked into the system, and used as needed by the system. (hopefully never). perhaps I can talk to you on the conference call?? thanks, anne

From: TOM LAND
To: R10SEA1.AIR.ROBINSON-ANNE
Date: 04/18/97 9:11am
Subject: Imports of Halon cylinders

Anne: I'm very sorry I haven't gotten back to you faster but it's not because I'm ignoring you! In fact, you have asked one of the incredibly interesting questions I've received recently. Sue Stendebach and I are still discussing and trying to clearly define whether your halon cylinders are "products" or "bulk shipments". It all revolves around the statement in the reg. in 82.3 under the definition of controlled substance, "If a listed substance or mixture must first be transferred from a bulk container or another container, vessel, or piece of equipment in order to realize its intended use, the listed substance or mixture is a controlled substance."

The following is my first impression, but I will get back to you with a final say-so. Clearly, hand-held fire extinguishers are "products" because the halon is directly discharged from the unit and doesn't need to be transferred to a "piece of equipment in order to realize its intended use." In contrast cylinders of halon that are connected to a larger fire suppression system are not "products" because they must be attached to some other apparatus to be discharged. Thus, imports of halon cylinders used in fire suppression systems are imports of "bulk substances." Imports of "bulk shipments" of halon are banned, unless the material was previously used. If the halon cylinders were attached to a fire suppression system in Israel, or some other country, we would consider the halon previously used. The person who wants to bring them to the U.S. must file a petition to import the used class I controlled substance and tell us the exact name, address, contact person, telephone number and fax number of the facility from which the halon was "recovered."

CC: STENDEBACH-SUE

From: TOM LAND
To: RTPMAINHUB:R10HUB:R10SEA1.AIR (ROBINSON-ANNE)
Date: 04/24/97 10:25am
Subject: Imports of Halon cylinders -Reply -Reply

Anne - it's fine that you let this one go but I'm sorry that Debbie answered a 604/606 question. it is possible to get two completely contradictory answers from SPD and recently we had a company "shopping around" calling different people until they got the answer they wanted. Anyway, a hand-held extinguisher has all the parts to be immediately used and dispense the halon, so is a product. A cylinder can't dispense the halon on its own and MUST be attached to the pressure valve and nozzle to be dispensed, so is considered a bulk substance. as i said, i will continue to confirm this interpretation and will pass it by management here. thanks.

>>> ANNE ROBINSON 04/21/97 04:18pm >>>
Tom: the first answer I rec'd, I think it was from Debbie (?), not sure, was that as a product, the cylinders were allowed in. With that in hand, and the fact that the piece of equipment was already in New York, or on its way to Boeing, I told them what I had learned. The halon is contained in three cylinders located in three locations of the plane. The system is then installed, with whatever piping, and attached to the three cylinders. If an alarm is sensed, the machine pulls the halon out of the appropriate tank to extinguish the fire. There is no transfer of substance from a bulk container nor is there any more "apparatus" than the pressure valves and nozzle associated with a hand held piece of equipment. I did explain to him that any recharge of the system would be an entirely different story, as then they would be getting new tanks or refilling the tanks from bulk. Please look into this some more. I am not sure I understand the thinking behind a differentiation between hand-held and large systems. Thanks, and keep the info coming. The system is evidently now at Boeing and is probably being installed. Let me know what to do. Thanks, annne

>>> TOM LAND 04/18/97 06:11am >>>
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